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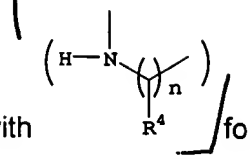
or optionally R^1 and R^3 together with  form a 4 to 8 membered cycloheteroalkyl ring wherein the cycloheteroalkyl ring has an optional aryl ring fused thereto or an optional 3 to 7 membered cycloalkyl ring fused thereto;

with the proviso that where x is 1 and y is 0, X is H, n is o, and one of R^1 and R^2 is H and the other is alkyl, then R^3 is other than pyridyl or substituted pyridyl;

including all stereoisomers thereof;

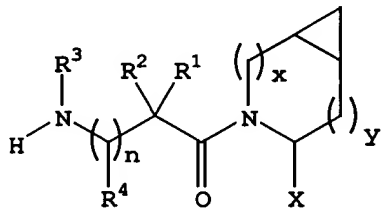
and a pharmaceutically acceptable salt thereof, or a prodrug ester thereof, and all stereoisomers thereof. --

REMARKS

Claims 1 to 24 as amended above are present.

Reconsideration of the rejection of this application is respectfully requested in view of the above amendments and the following remarks.

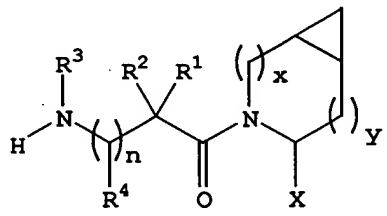
Claim 1 has been amended to exclude compounds of the structure



where x is 1, y is o, X is H, n is o and one of R^1 and R^2 is H and the other is alkyl, and R^3 is pyridyl or substituted pyridyl.

In view of the above exclusionary amendment to Claim 1, it is submitted that Claim 1 and the remaining Claims 2 to 24 are patentable over the cited Hiltmann et al reference.

Applicants' invention as now claimed in amended Claim 1 defines a compound having the structure



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wherein x is 0 or 1 and y is 0 or 1, provided that

x = 1 when y = 0 and

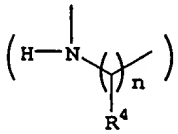
x = 0 when y = 1; and wherein

n is 0 or 1;

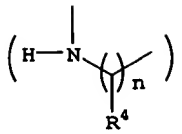
X is H or CN;

R^1, R^2, R^3 and R^4 are the same or different and are independently selected from hydrogen, alkyl, alkenyl, alkynyl, cycloalkyl, cycloalkylalkyl, bicycloalkyl, tricycloalkyl, alkylcycloalkyl, hydroxyalkyl, hydroxyalkylcycloalkyl, hydroxycycloalkyl, hydroxybicycloalkyl, hydroxytricycloalkyl, bicycloalkylalkyl, alkylthioalkyl, arylalkylthioalkyl, cycloalkenyl, aryl, aralkyl, heteroaryl, heteroarylalkyl, cycloheteroalkyl or cycloheteroalkylalkyl; all optionally substituted through available carbon atoms with 1, 2, 3, 4 or 5 groups selected from hydrogen, halo, alkyl, polyhaloalkyl, alkoxy, haloalkoxy, polyhaloalkoxy, alkoxycarbonyl, alkenyl, alkynyl, cycloalkyl, cycloalkylalkyl, polycycloalkyl, heteroarylamino, arylamino, cycloheteroalkyl, cycloheteroalkylalkyl, hydroxy, hydroxyalkyl, nitro, cyano, amino, substituted amino, alkylamino, dialkylamino, thiol, alkylthio, alkylcarbonyl, acyl, alkoxycarbonyl, aminocarbonyl, alkynylaminocarbonyl, alkylaminocarbonyl, alkenylaminocarbonyl, alkylcarbonyloxy, alkylcarbonylamino, arylcarbonylamino, alkylsulfonylamino, alkylaminocarbonylamino, alkoxycarbonylamino, alkylsulfonyl, aminosulfinyl, aminosulfonyl, alkylsulfinyl, sulfonamido or sulfonyl;

and R^1 and R^3 may optionally be taken together to form $-(CR^5R^6)_m-$ where m is 2 to 6, and R^5 and R^6 are the same or different and are independently selected from hydroxy, alkoxy, H, alkyl, alkenyl, alkynyl, cycloalkyl, halo, amino, substituted amino, cycloalkylalkyl, cycloalkenyl, aryl, arylalkyl, heteroaryl, heteroarylalkyl, cycloheteroalkyl, cycloheteroalkylalkyl, alkylcarbonylamino, arylcarbonylamino, alkoxycarbonylamino, aryloxycarbonylamino, alkoxycarbonyl, aryloxycarbonyl, or alkylaminocarbonylamino, or R^1 and R^4 may optionally be taken together to form $-(CR^7R^8)_p-$ wherein p is 2 to 6, and R^7 and R^8 are the same or different and are independently selected from hydroxy, alkoxy, cyano, H, alkyl, alkenyl, alkynyl, cycloalkyl, cycloalkylalkyl, cycloalkenyl, halo, amino, substituted amino, aryl, arylalkyl, heteroaryl, heteroarylalkyl, cycloheteroalkyl, cycloheteroalkylalkyl, alkylcarbonylamino, arylcarbonylamino, alkoxycarbonylamino, aryloxycarbonylamino, alkoxycarbonyl, aryloxycarbonyl, or alkylaminocarbonylamino, or optionally R^1 and R^3 together with



form a 5 to 7 membered ring containing a total of 2 to 4 heteroatoms selected from N, O, S, SO, or SO_2;



or optionally R^1 and R^3 together with form a 4 to 8 membered cycloheteroalkyl ring wherein the cycloheteroalkyl ring has an optional aryl ring fused thereto or an optional 3 to 7 membered cycloalkyl ring fused thereto;

with the proviso that where x is 1 and y is 0, X is H, n is o, and one of R^1 and R^2 is H and the other is alkyl, then R^3 is other than pyridyl or substituted pyridyl;

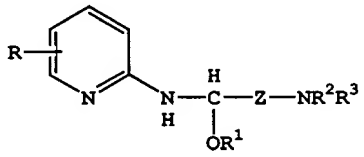
including all stereoisomers thereof;

and a pharmaceutically acceptable salt thereof, or a prodrug ester thereof, and all stereoisomers thereof.

It is submitted that Applicants' invention as now claimed in Claim 1 is patentable over the cited Hiltmann et al reference.

Claims 1, 3 and 7 are rejected under 35 USC 102(b) as being anticipated by Hiltmann et al.

The Hiltmann et al C.A. reference discloses compound of the structure



wherein R is H, 3-, 5-, or 6-methyl or 4-phenyl;

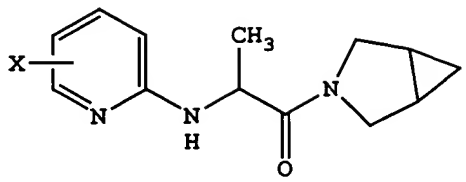
R^1 is ethyl, H, methyl, propyl, phenyl or cyclohexyl;

Z is

CH_2CH_2, $CHCH_2$ (C_2H_5), $CHCH_2$ (CH_3), $C{-}CH_2$ (CH_3), $CH{-}CH$ (CH_3, CH_3), CH_2CH (CH_3) or CH_2C (CH_3, CH_3),

and NR^2R^3 can be L-azepinyl or an azabicyclo group.

Hiltmann et al neither disclose nor suggest Applicants' compounds as claimed since Applicants' require a carbonyl  group linking the N of the azabicyclo ring and a carbon atom, whereas the Z-linker in the Hiltmann et al compounds does not include a carbonyl group. However, the full Hiltmann et al article (as opposed to the CA), a copy of which is enclosed, discloses compounds of the structure



Please note that Applicants have amended Claim 1 (the only independent claim rejected) to specifically exclude compounds disclosed in Hiltmann et al. Claim 1 has been amended so that in compounds defined by the formula in Claim 1, where x is 1 and y is 0, X is H, m is o, and one of R^1 and R^2 is H and the other is alkyl, then R^3 is other than pyridyl or substituted pyridyl. All of the Hiltmann et al compounds must have a pyridyl or substituted pyridyl group.

In view of the above amendments, it is submitted that Applicants' compounds as defined in Claim 1 are patentable over Hiltmann et al. Furthermore, it is submitted that the remaining rejected Claims 3 and 7 which depend from amended Claim 1 are patentable over Hiltmann et al.

The Examiner has indicated that the remaining claims, Claims 2, 4 to 6, and 8 to 24 are allowed. Accordingly, it is believed that this application is now in condition for allowance.

Respectfully submitted,

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